

*Appln. Serial No. 10/590,435
Response September 14, 2010*

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REMARKS/ARGUMENTS

Claim Amendments

Applicant has amended claim 1 without prejudice by replacing "antifibrillogenic agent ...comprising a peptide consisting of" to state that the "antifibrillogenic agent...consists of peptide...".

Claim 3 was amended by replacing "wherein the agent comprises a peptide consisting of..." with "wherein the peptide is ".

Claims 1 and 3 were further amended to remove the phrase "an isomer thereof".

Claims 9 and 11 were amended to add "or a salt thereof" to the end of the claims.

Claim 62 was amended to replace "ro" with "or".

New claim 64 was added with the same wording as claim 63 except dependent on Claim 3.

The withdrawn claims have been retained without prejudice to preserve the right to rejoinder.

It is submitted that the amendments find support in the application and claims as originally filed.

Election/Restrictions

As previously stated, applicant believes that the linking claims as currently amended are allowable. Applicant has deferred its petition until the resolution of the issue of the patentability of the linking claims. (See 37 CFR 1.144 and MPEP § 818.03(c))

35 USC§102(b)

1. The Examiner rejected claims 1-3, 9-11 and 13-16 and 62 and 63 as being anticipated by US2002/0119926 A1 to Fraser. Applicant traverses the rejection as follows.

The basis of the Examiner's rejection appears to be that the phrase "antifibrillogenic agent ...comprising a peptide consisting of" still leaves the claims regarding the composition of the peptide open ended and thus anticipated by Fraser. In response, Applicant has amended claims 1 and

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3 without prejudice. Claim 1 was amended to state that the antifibrillogenic agent...consists of peptide...". Claim 3 was amended to refer to the peptide is. It is submitted that this overcomes the Examiner's rejections of claims 1 and 3 and also of claims 2, 9 - 11, 13-16 and 62 and 63 which are dependent directly or indirectly on claims 1 or 3

As such, it is believed that this response and amendments traverses the Examiner's rejections to the claims and the rejections are requested to be withdrawn.

2. The Examiner rejected claims 1 and 13 - 15 as being anticipated by US Patent No. 4,426,324 to Meienhofer. Applicant traverses the rejection as follows.

The Examiner stated that as the claims include isomers of ANX, the tripeptide AEN of Meienhofer anticipates the aforementioned claims. Applicant has amended claim 1 to remove the term "an isomer thereof". It is submitted that this overcomes the Examiner's rejection to claims 1 and dependent claims 13 - 15 and the rejection is requested to be withdrawn.

3. The Examiner rejected claims 1 and 13 - 15 as being anticipated by US Patent No. 7,056,889 to Villanueva et al. Applicant traverses the rejection as follows.

The Examiner stated that as the claims include isomers of ANX, the tripeptide GAN of Villanueva et al. anticipates the aforementioned claims. Applicant has amended claim 1 to remove the term "an isomer thereof". It is submitted that this overcomes the Examiner's rejection to claims 1 and dependent claims 13 - 15 and the rejection is requested to be withdrawn.

Claim Objections

The Examiner objected to claim 62 on the basis that "or" was misspelled. Claim 62 was amended to correct the typographical error. It is submitted that this traverses the Examiner's objection to claim 62 and the objection is requested to be withdrawn.

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The Commissioner is hereby authorized to charge any fee which may be required to fully reply and enter this response, including any claim fees or extensions of time fees, or otherwise to keep the application in good standing, to our firm's Deposit Account No. 15-0633.

Should the Examiner like to discuss the matter, she is kindly requested to contact Anita Nador at 416-601-7530 at her convenience.

Respectfully submitted,
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Dated: September 14, 2010

By: 

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